

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/
(954) 797-1101
Prepared by: Philip Bachers, Planner I

SUBJECT: Quasi Judicial Hearing: Special Permit / SE 4-1-05 / Davie Travel Center/ 4751 SW 30 St., generally located south of I-595 and east of the Florida Turnpike

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: SE 4-1-05 / Davie Travel Center

REPORT IN BRIEF:

The petitioner has requested a special permit for two temporary trailers for office space.

The intent of a special permit application is for Town Council to review uses that are exceptional and may have effects on the surrounding environment that cannot be determined in advance of the use being proposed for a particular location. Staff finds that the two proposed office trailers is compatible with permitted uses allowed in the zoning district. The proposed location is well-separated from the right-of-way, will be adequately landscaped around the installation site of the trailers, and will not have an adverse impact on the surrounding area.

PREVIOUS ACTIONS:

Planning & Zoning Board, August 9, 2006

Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve for a 12-month period on the two temporary trailers to run concurrently with Special Permit SE 10-1-05. (Motion carried 3-2 with McLaughlin, Stevens and Turin voting in favor and Bender and Busey voting against.)

CONCURRENCES: None

FISCAL IMPACT: N/A

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Attachment(s): Staff Report, Justification Letter, Public Participation Report, Site Plan, Future Land Use Plan Map, and Zoning and Aerial Map

Application: SE 4-1-05 / 05-529 / Davie Travel Center
Exhibit "A"

Revisions:
Original Report Date: 8/3/06

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: Davie Travel Center
c/o Clare A. Sawchuk
Address: 820 Andrews Ave.
City: Pompano Beach, FL 33069
Phone: (954) 788-8433

Background Information

Date of Notification: July 14, 2006 **Number of Notifications:** 16

Application Request: Special Permit for temporary office trailers pursuant to Land Development Code §12-34 (P) (1) (b) 3. (c)

Address/Location: 4751 SW 30 Street, Davie

Future Land Use

Plan Map Designation: Industrial

Zoning: TS, Truck Stop

Existing/Proposed Use: Vacant/Temporary office trailers

Net Parcel Size: 32.8 acres

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Map Designations:</u>
North:	I-595	Transportation
South:	Twin Lakes M.H.P.	Industrial
East:	S.R.7 and I-595	Transportation
West:	FL Turnpike	Transportation

	<u>Surrounding Zoning:</u>
North:	T, Transportation

South: M-4 (Broward County)
East: M-3 (Hacienda Village)
West: M-3 or M-4 (Broward County)

Zoning History

Related Zoning History:

The property was annexed into the Town of Davie on June 19, 1996.

On December 1, 1999, the Town Council approved Ordinance 99-42 adopting the "Planned Truck Stop District" into the Land Development Code.

A rezoning request was approved by Town Council on March 1, 2000 through Ordinance 2000-009 rezoning the property from M-4 (County) to TS, Truck Stop. A subsequent corrective rezoning was approved by Town Council removing the Spur Road (SW 30th Street) from the previous rezoning request, as the land was not under ownership of the applicant.

Previous Requests on the same Property:

On March 15, 2000, the Town Council approved Special Permit 12-1-99 assigning 11.78 acres of Commercial flex to the site, utilizing the 20% Industrial to Commercial acreage rule pursuant the Broward County Administrative Rules Document.

Ordinance 2003-7 was approved by Town Council on March 5, 2003 rezoning the SW 30th Street from M-4 (County) to M-3, Planned Industrial Park (Town of Davie).

SE 10-1-05, Special Permit Request for temporary storage of vehicles was submitted November 7, 2005. It is currently under review.

Applicable Codes and Ordinances

§12-308 of the Land Development Code, review for special permits.

§12-34 (P) (1) (b) 3. (c) of the Land Development Code, A trailer may be used as a temporary office or shelter (for a period of up to eighteen (18) months) incidental to construction on or development of the premises on which the trailer is located. The applicant must maintain an active building permit for the site while the trailer is in use. If it is determined that the building permit for the site is no longer valid, the trailer shall be removed from the site within thirty (30) days. An application for special permit may be submitted pursuant to the requirements contained herein for extension of the eighteen-month time period.

Comprehensive Plan Considerations

Planning Area:

The subject property is within Planning Area 6. This Planning Area includes lands located south of S.R. 84, east of University Dr. and north of Nova Dr., together with lands located east of the FL Turnpike and west of S.R. 7, south of S.R. 84 and north of the south town limits. The majority of the planning area is industrially zoned and land use plan designated.

There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to lands designated Industrial on Nova Drive. The town is encouraging development and redevelopment of properties within this area to strengthen the town's non-residential tax base for the future.

Broward County Land Use Plan: The property is in Flexibility Zone 58.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use; Policy 9-1: The Industrial category shall provide for the development of diversified facilities necessary to promote strong economic and employment bases for the town.

Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use; Policy 9-2: The town shall endeavor to expand its economic base through expansion of the industrial and manufacturing sectors of its economy.

Future Land Use Plan, Policy Group 9: Industrial and Employment Center Use; Policy 9-4: Industrial land uses shall be located with access to primary transportation facilities, particularly interstates, highways, rail corridors, commercial airports, and navigable waterways. Consistent with policy 9-2, vacant land with such access shall be examined for potential industrial development.

Application Details

The petitioner has requested a special permit to allow temporary storage of vehicles which is a separate permit (SE 10-1-05), and the business operations would be conducted within the two temporary trailers which are the subject of this application.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. In accordance with the Town of Davie Code, the petitioner conducted two (2) meetings with the public on Monday, July 24, 2006, and Monday, July 31, 2006, both at 6 PM. The first and second meetings were held at Town Hall Community Room. The applicant sent sixteen (16) mailings to the surrounding property owners. There were no members of the public in attendance at the first meeting and no members of the public at the second meeting. The approved public participation report is attached.

Staff Analysis

The subject site is undergoing enforcement action by Town of Davie Code Compliance for the existing use of truck parking which is being done without an occupational license. The Special Master of the Town has given the new owner 90 days to resolve the issues on the property. The new owner has begun to remove stored items from the site that are clearly prohibited by the Land Development Code. If the special permit is issued, the site will be improved to store the permitted vehicles on improved surfaces, with fire hydrants, landscaping, directional traffic controls active and passive, lighting, fencing, and 24-hour security. The special permit will allow the new owner to resolve code compliance issues on the site while the mixed-use plan is reviewed.

Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed temporary office trailers are an appropriate use under the industrial classification found in the Town of Davie Future Land Use Plan.

- (ii) The proposed change will not create an unrelated or incompatible use;

The proposed use is isolated from the Town by limited-access transportation corridors on the east, north, and west. Land to the south is also industrially-zoned.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The proposed use for two temporary office trailers will have minimal adverse impacts on living conditions in the neighborhood or in the Town as the surrounding occupancies are industrially-zoned, or transportation corridors, not residential. If the Special Permit for the temporary vehicular storage is approved, the entire site will be peripherally-landscaped with a buffer, the surface will be a smooth, dust-free one, and access to the site will be by 24-hr security with one primary entrance/exit.

(iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The current zoning of Truck Stop anticipates a frequent use of the site for incoming/outgoing traffic. It is adjacent to major arterial limited-access roadways and/or state routes, so volume of traffic into other parts of the town from/to the site is minimized due to its location at the NE periphery of the town.

(v) The proposed change will not adversely affect surrounding property values;

The proposed temporary office trailer use will have no impact on surrounding property values the as property surrounding the site is industrially-zoned, or transportation-zoned, and the use is temporary.

(vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed temporary office trailer use would not deter any of the surrounding property owners from developing or improving their properties, as the surrounding properties will not be negatively impacted either visually or by additional traffic issues. The surrounding properties are major transportation corridors for limited-access highways, or are industrially-zoned.

(vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is a use that may be permitted it if determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council subject to the following condition:

1. Both related special permits for the subject site, temporary offices (SE 4-1-05) and vehicular storage (SE 10-1-05) be for the same duration of time allowed by the Land Development Code.
-

Planning and Zoning Board Recommendation

At the August 8, 2006 meeting, Mr. McLaughlin made a motion, seconded by Mr. Stevens, to approve a 12-month time period on the two temporary trailers to run concurrently with Special Permit SE 10-1-05. (Motion carried 3-2 with McLaughlin, Stevens, and Turin voting in favor and Bender and Busey voting against.)

Exhibits

1. Justification Letter
2. Public Participation Report
3. Mail-out List
4. Site Plan
5. Future Land Use Plan Map
6. Aerial, Zoning, and Subject Site Map

Prepared by: _____
by: _____

Reviewed

File Location:

\\ns_th_01\Town_Hall\Develop_Service\P&Z\Philip Bachers\permits\Special Permits\SE 4-1-05 Davie Travel Center-trailer

Exhibit 1 (Justification)

DAVIE TRAVEL CENTER

820 Andrews Ave Pompano Beach, Florida 33069

July 27, 2006

Mr. Bruce R. Dell
Planning & Zoning Manager
Town of Davie
6591 Orange Drive
Davie, Florida 33314

RE: Davie Travel Center – Special Use Permit
SE 10-1-05 – Temporary Use for Storage Parking
SE 4-1-05 – Temporary Use for Office Trailers
ML Project No: 06-00096

SUBJECT: PROPOSED SPECIFIC USES

Dear Mr. Dell:

The following is a list of the proposed uses for the temporary special use permit for storage parking for the above-noted project located at 4751 SW 30th Street Davie, FL.

In order to project a clean uniform appearance we are proposing that each type of unit be parked in segregated areas and will not be incorporated with other units of a different type.

1. Boats and boat trailers, No junk boats
2. Tractors and trailers
3. Dump trucks
4. Box trucks
5. RVs and buses
6. Heavy equipment, On trailers only
7. Steel storage containers
8. Automobiles that must have a valid title, no junked or wrecks and no flat tires.
9. We will need one fenced segregated area to hold and store roofing, and road building materials, such as tiles, pavers, bricks, sand, rock, and clean fill.

Thank you for your consideration, should you have questions or need additional information, please contact me at Cell (954) 801-1255. Office (954) 788-9554 Fax (954) 788-8433

Sincerely,



Steven A. Fielden
Project Manager
VP of Operations

Exhibit 2 (Public Participation Report)



August 2, 2006

Mr. Bruce Dell
Town of Davie
Planning & Zoning Division
6591 S.W. 45 Street
Davie, Florida 33328

RE: Davie Travel Center - Special Use Permit Project
Located East of the Florida Turnpike, South of I-595 and along State Road 84 Spur Road
Town Petition Numbers:
SE 10-1-05 - Temporary Use for Storage Parking
SE 4-1-05 - Temporary Use for Office Trailers
ML Project No: 06-00096

Dear Bruce:

In accordance with Section 12-319.8 of the Davie Land Development code we have completed the two required public meetings per Ordinance Number 2004-31 and prepared the following Citizen Participation Report.

All affected parties were notified and invited via U.S. Postal Service on July 14, 2006 to attend two (2) citizen participation meetings that took place at 6:00 pm at the Town of Davie Town Hall Community Room on July 24th and July 31st of 2006. The meetings were intended to inform the neighboring public on the proposed temporary uses and associated plans for the Davie Travel Center and to provide us with their comments regarding the project.

No one from the public attended either the July 24th and July 31st 2006 public meetings. The only individuals in attendance at both meetings were persons related to the project. (See attached sign-in sheets for the two meetings held).

Pursuant to this letter, all requirements of the Ordinance 2004-31 have been met and demonstrated with regard to Public Participation policies per the Davie Land Development Code. Should you have questions, please feel free to contact me at (954) 436-7000 x255.

Sincerely,

Jill Cohen, R.L.A., AICP
Associate, Planning

JCN/s
Enclosure
cc: Steve Fielden, Brauser, Group
Nectaria Chakas, Ruden et al

V:\Projects\2006\06-00096 Davie Travel Center\Documents\Covers\Letters\Horseman\Horseman_report_8-1-06.doc

IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.

South Florida Office: 1808 N Douglas Road - Suite 208 - Pembroke Pines, Florida - 33024-3200
(954) 436-7000 • Fax: (954) 436-8884
www.millerlegg.com

Exhibit 3 (Public Participation Report Mailing List)

SE 10-1-05 Davie Travel Center TWIN LAKES LAND RECLAMATION PO BOX 292037 DAVIE FL 33329-2037	SE 10-1-05 Davie Travel Center STATE OF FLORIDA,DOT 3400 W COMMERCIAL BLVD FORT LAUDERDALE FL 33309-3421	SE 10-1-05 Davie Travel Center RUSSO ASSOCIATES INC 67 EAST AVE LAWRENCE NY 11559
SE 10-1-05 Davie Travel Center MEARS, JOHN W 3411 SW 50TH AVE FORT LAUDERDALE FL 33314-2100	SE 10-1-05 Davie Travel Center LTV PROPERTIES INC 6494 SCENIC HWY PENSACOLA FL 32504	SE 10-1-05 Davie Travel Center JOLMY ENTERPRISES INC 4751 SW 30 ST FT LAUDERDALE FL 33314
SE 10-1-05 Davie Travel Center GRUNDMAN, RICHARD 3030 BURRIS RD DAVIE FL 33314	SE 10-1-05 Davie Travel Center G S PROPERTY HOLDINGS INC 418 ALAMANDA DR HALLANDALE FL 33009	SE 10-1-05 Davie Travel Center FORMAN, MILES A PO BOX 292037 DAVIE FL 33329-2037
SE 10-1-05 Davie Travel Center EMBICK BROS ROOFING INC 4700 SW 30 ST DAVIE FL 33314	SE 10-1-05 Davie Travel Center DMG ROAD WORKS LLC 12209 S DIXIE HWY MIAMI FL 33156-5236	SE 10-1-05 Davie Travel Center DESIGNED TRAFFIC INSTALLATION 2801 SW 46 AVE FT LAUDERDALE FL 33314-1308
SE 10-1-05 Davie Travel Center COOPER, ROBERT H & SHERRY J 3505 SW 50TH AVE DAVIE FL 33314-2107	SE 10-1-05 Davie Travel Center BURNUP & SIMS ENTERPRISES INC 15455 N DALLAS PKWY STE 925 ADDISON TX 75001	SE 10-1-05 Davie Travel Center 2238 NW 86TH STREET INC 517 SW 1 ST FT LAUDERDALE FL 33301

Exhibit 4 (*Site Plan*)

LARGE-SCALE FORMAT TO BE SHOWN AT TOWN COUNCIL MEETING

Exhibit 5 (Future Land Use Plan Map)

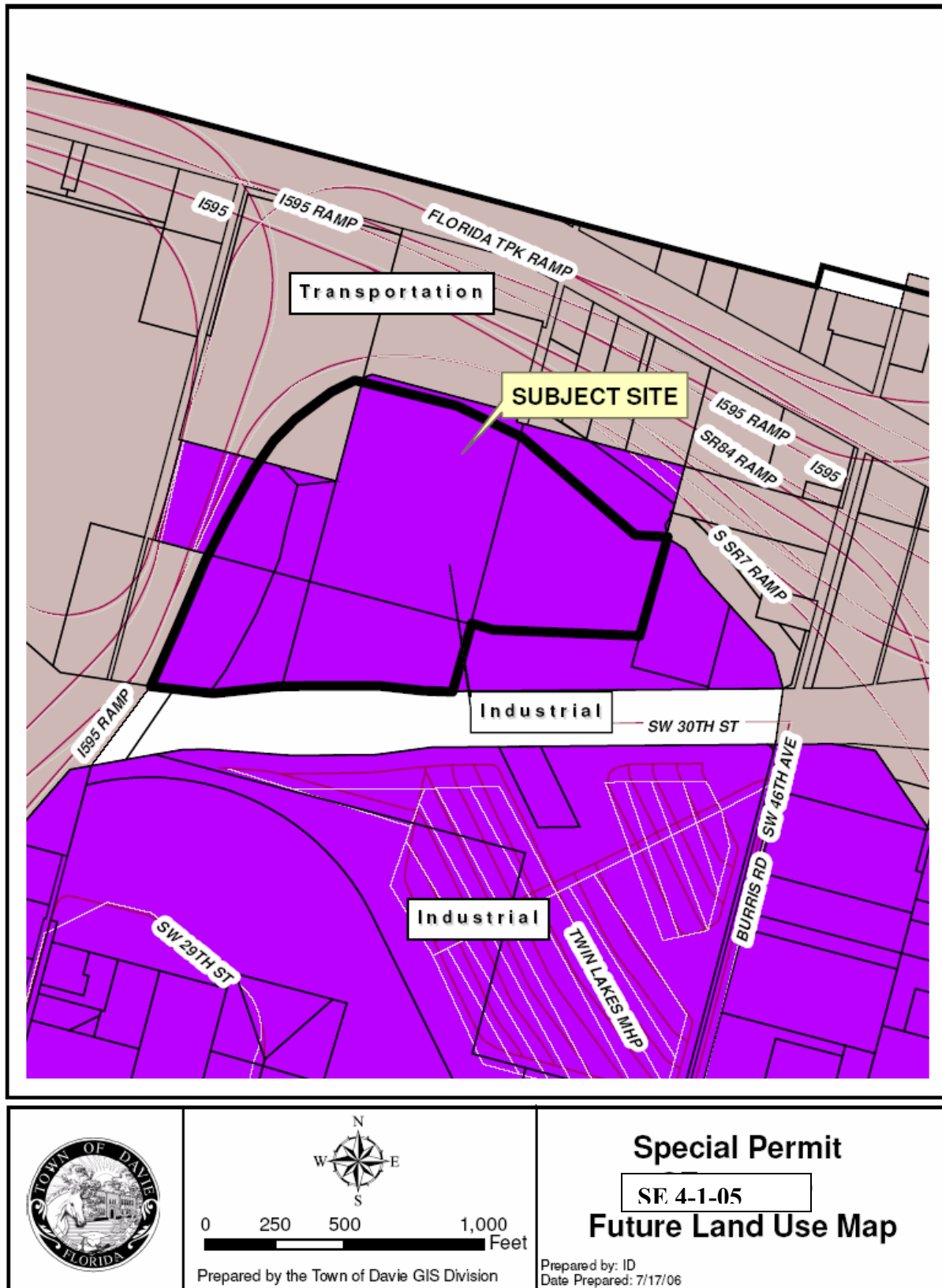


Exhibit 6 (Aerial, Zoning, Subject Site Map)

